IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19726 of 2004

Between:

G.Pitchamma, W/o.Ramachandra Reddy,
R/o.1-2-185/A, K.K.Road, Suryapet, Nalgonda Dist.

..... PETITIONER

AND

1 Regional Transport officer & Secretary, Regional Transport Authority,

Nalgonda Dist.
2 Deputy Transport Commissioner & Secretary, Regional Transport Authority,

Krishna District at Vijayawada.
3 Asst. Motor Vehicles Inspector, Kothur Check post, Kothur, Krishna Dist.
4 Station House officer, Nandigama police Station, Nandigama, Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus, declaring the action of the respondents in seizing and detaining the petitioner's Goods carriage bearing Registration No.AP.24/V.1736 pursuant to the vehicle check Report No.148660, dated 30-09-2004 of the 3rd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner, forthwith,

Counsel for the Petitioner: MR.V.NARASIMHA REDDY
Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. They agreed that the matter be disposed of at this stage.

The vehicle, in question, has been found allegedly carrying overweight of 11,420 kilograms. In terms of Section 194 of the Andhra Pradesh Motor Vehicles Act, 1988, a penalty of one rupee can be imposed on every kilo of overweight. Therefore, we think it proper to dispose of the writ petition by directing the petitioner to pay an amount of Rs.11,420/- (Rupees Eleven Thousand Four Hundred and Twenty only) and after the amount is paid, the vehicle shall be released. This order shall, however, be subject to the outcome of the enquiry, which may have to be conducted by the respondents.

The writ petition is accordingly disposed of. No order as to costs.

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(BILAL NAZKI, J)

28th October, 2004.

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(S.ANANDA REDDY, J)

vrn

To

1 Regional Transport officer & Secretary, Regional Transport Authority,

Nalgonda Dist.
2 Deputy Transport Commissioner & Secretary, Regional Transport Authority,

Krishna District at Vijayawada.
3 Asst. Motor Vehicles Inspector, Kothur Check post, Kothur, Krishna Dist.
4 Station House officer, Nandigama police Station, Nandigama, Krishna Dist.

5 Two C.Cs to the Government Pleader for Transport,

High Court of A.P, Hyderabad (OUT)

6 Two C.D copies